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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Egypt:* draft resolution

Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the Convention on the Rights of the Child[3] and other relevant international law and human rights law instruments,

Noting the importance of the role of regional organizations in efforts to achieve pacific settlement of local disputes, as stipulated in Chapter VIII of the Charter,

Reaffirming its previous resolutions on the situation of human rights in Myanmar, the most recent of which being resolution 70/233 of 23 December 2015, and the resolutions and decisions of the Human Rights Council, the most recent of which being resolution 34/22 of 24 March 2017[4] and decision 36/115 of 29 September 2017,[5]

Welcoming the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in Myanmar[6] and the access granted to her during her visits to Myanmar in January 2017 and July/August 2017,

* On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation.

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[4] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53* (A/72/53), chap. IV, sect. A.

[5] Ibid., *Supplement No. 53A* (A/72/53/Add.1), chap. IV.

[6] A/72/382.

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Expressing grave concern at the recent reports of serious human rights violations and abuses in Myanmar, in particular in Rakhine State, as well as in Kachin and northern Shan States,

Highly alarmed at the outbreak of violence in Rakhine State in August 2017 that has caused hundreds of thousands of Rohingya civilians to flee towards Bangladesh, and which, thus far, has displaced nearly 600,000 Rohingya, with the prospect of even higher numbers of displaced people,

Further alarmed by the disproportionate and sustained use of force by the Myanmar forces against the Rohingya community and others in northern Rakhine State,

Condemning the attacks of the Arakan Rohingya Salvation Army against police and military posts on 25 August 2017,

Underlining the importance of the Government of Myanmar intensifying efforts to fulfil its human rights obligations, and concerned about the denial of human rights violations by the Government of Myanmar,

Underlining also the need for the armed forces of Myanmar to take immediate steps to protect all civilians, including those belonging to the Rohingya community, by respecting international law, including human rights law, and ending the violence, and calling for urgent steps to ensure independent and impartial investigations into all human rights violations and abuses,

Deeply distressed by the reports of unarmed Rohingya in Rakhine State being subjected to the unlawful use of force by non-State actors and the excessive use of force by the military and security forces, including extrajudicial killings, rape and other forms of sexual violence, arbitrary detention and the unexplained disappearance of Rohingya civilians in Rakhine State, and by reports of large-scale destruction of homes and systematic evictions in northern Rakhine State, including the use of arson and violence,

Noting with deep concern that, according to the United Nations Children's Fund, nearly 60 per cent of Rohingya Muslims who have been forced to flee to Bangladesh are children,

Noting with deep concern also the deteriorating security, human rights and humanitarian situation in Rakhine State, and the continued serious violations and abuses of human rights of Rohingya Muslims in Rakhine State, as well as statelessness, disenfranchisement, economic dispossession, marginalization and deprivation of livelihoods, as well as restrictions on freedom of movement for persons belonging to the Rohingya community, including the confinement of approximately 120,000 people in camps for internally displaced persons, the majority of whom rely entirely on foreign aid,

Reaffirming the right of all refugees and displaced persons to return home in safety and dignity and in a voluntary and sustainable manner,

Taking note of the formation, in 2016, of the Advisory Commission on Rakhine State, chaired by Kofi Annan, which submitted its final report in August 2017,[7] and the commitment of the Government of Myanmar to implementing the Commission's recommendations and addressing the underlying causes of the situation in Rakhine State,

[7] Advisory Commission on Rakhine State, "Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine", August 2017 (available at: http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf).

Noting the other commitments of the Government of Myanmar to improve the situation in Rakhine State for all communities, while underscoring the need for expedited implementation, including through commitments to the return of refugees and forcibly displaced persons, and the speech by the State Counsellor of 12 October 2017, in which she set out her vision for resolving the crisis, including through the setting up of the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine and of country-wide interfaith meetings,

Concerned that, in spite of Rohingya Muslims having lived in Myanmar for generations prior to the independence of Myanmar, they were made stateless by the enactment of the 1982 Citizenship Law and were eventually disenfranchised, in 2015, from the electoral process,

Acknowledging that the denial of citizenship status and related rights to Rohingya Muslims and others, including voting rights, is a serious human rights concern,

Noting with concern the findings of the flash report of 3 February 2017 on the mission of the Office of the United Nations High Commissioner for Human Rights to Bangladesh, as well as the report of the rapid response mission of the Office of the High Commissioner to Cox's Bazar, Bangladesh, in September 2017,

Welcoming the decision of the Human Rights Council to constitute a fact-finding mission pursuant to its resolution 34/22,

Reiterates the concerns expressed by the Secretary-General to the Human Rights Council and at the open debate of the Security Council on Myanmar, held on 28 September 2017,

1. *Calls upon* the authorities of Myanmar:

(a) To end the ongoing military operations that have fuelled tensions among the communities and have led to the systematic violation and abuse of human rights of persons belonging to the Rohingya community and other ethnic minorities and to hold perpetrators accountable;

(b) To allow full and unhindered access for the delivery of humanitarian assistance by humanitarian actors, including the United Nations, its international partners as well as by regional organizations, including, but not limited to, the Coordinating Centre for Humanitarian Assistance on Disaster Management of the Association of Southeast Asian Nations, to affected persons and communities, and in this regard urges the Government to implement the various international cooperation agreements that have not yet been implemented for the distribution of humanitarian aid to all affected areas, including Rakhine State, without discrimination;

(c) To de-escalate the situation to prevent the further loss of lives and displacement so that humanitarian aid may be provided to all affected communities in need and medical support provided to the sick, injured and those suffering from malnutrition and severe mental trauma;

(d) To ensure the voluntary and sustainable return, in safety, security and dignity and in accordance with international law, of all internally displaced persons, refugees and others who have had to leave Myanmar to their original places of residence, in particular those from the Rohingya minority;

(e) To intensify its efforts to address discrimination, human rights violations, displacement and economic deprivation affecting members of various ethnic and religious minorities and stateless populations, as well as to take all necessary measures to prevent the destruction of places of worship;

(f) To undertake all measures to counter incitement to hatred and hate speech leading to violence and to combat discrimination and violence against persons belonging to national or ethnic, religious or linguistic minorities in order to allow true reconciliation to take place in Rakhine State;

(g) To grant full, unrestricted and unmonitored access for the fact-finding mission of the Human Rights Council, other human rights mechanisms and the United Nations to independently monitor the human rights situation, and to ensure that individuals have unhindered access to and can communicate with the United Nations and other human rights entities, without fear of reprisal, intimidation or attack;

(h) To ensure accountability by undertaking full, transparent and independent investigations of those who commit human rights violations and abuses, including violations and abuses carried out by members of the military, other Government agents and members of vigilante groups, including those motivated by extreme views against Rohingya Muslims and those who divide communities;

(i) To ensure that any response against extremism is proportionate and respects the rule of law, international human rights obligations and international humanitarian law, and to take initiatives to address the underlying causes for the spread of violent extremism and radicalization in Rakhine State;

(j) To ensure that any measure taken to address the underlying causes for the spread of violence and radicalization complies with applicable international law, including international human rights and refugee law;

(k) To dismantle the present internally displaced persons' camps in Rakhine State, ensuring that the return and relocation of internally displaces persons is carried out in accordance with international standards and best practices;

(l) To ensure an expeditious verification process for refugees and forcibly displaced persons, in timely manner;

(m) To ensure full respect for all human rights and fundamental freedoms for persons belonging to the Rohingya community, to end all restrictions on their movements, to ensure full access to health and medical services without any discrimination and to reverse any step or directive that caused marginalization and vulnerability for Rohingya Muslims;

(n) To fully implement the recommendations of the Advisory Commission on Rakhine State, to allow reconciliation among all other communities living in Rakhine State and to commence a process of inclusive development meaningful for all communities;

(o) To grant full citizenship rights, in keeping with a transparent due process, to Rohingya Muslims in Rakhine State, including by reviewing the 1982 Citizenship Law;

(p) To ensure full protection of the human rights and fundamental freedoms of Rohingya Muslims and other ethnic and religious minorities in an equal and dignified manner in order to prevent further instability and insecurity, alleviate suffering, address the root causes of the situation and forge a viable, lasting and durable solution;

2. *Urges* the forging of a long-lasting solution that affirms shared values, promotes mutual respect and upholds human dignity, and recognizes the setting up by the Government of Myanmar of the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine, the Central Committee for

the Implementation of Peace, Stability and Development in Rakhine State and the Advisory Commission on Rakhine State and the efforts to implement the recommendations of the Commission;

3. *Expresses its deep concern* at the plight of refugees and forcibly displaced persons living in Bangladesh and in other countries, and appreciates the commitment by the Government of Bangladesh to provide temporary shelter, humanitarian assistance and protection to them;

4. *Encourages* further cooperation between Myanmar and Bangladesh to address all relevant aspects of the crisis, including the expedited, safe and voluntary return of refugees, as well as full cooperation with the United Nations and its funds, programmes and agencies;

5. *Encourages* the international community to: (a) assist Bangladesh in providing humanitarian assistance to the Rohingya refugees and forcibly displaced persons until such time as they are voluntarily repatriated to Myanmar in safety and dignity; (b) assist Myanmar in the provision of humanitarian assistance to affected persons of all communities who have been internally displaced within Rakhine State;

6. *Recognizes*, with appreciation, the assistance and support of the international community, including regional organizations and Myanmar's neighbouring countries, and encourages support for the Government of Myanmar in the fulfilment of its international human rights obligations and commitments, the implementation of its democratic transition process and its economic and social development and its efforts towards a sustainable peace, as well as its national reconciliation process involving all relevant stakeholders;

7. *Encourages* further efforts to promote intercommunal and interfaith dialogue to de-escalate tension and foster peaceful coexistence among all ethnic and religious groups;

8. *Stresses* that the right to freedom of thought, conscience and religion or belief applies equally to all persons, regardless of their religion or belief and without any discrimination as to their equal protection under the law;

9. *Takes note* of those developments in Myanmar that contribute positively towards political and economic reform, democratization, national reconciliation, good governance and the rule of law, and of the efforts made to promote and protect human rights and combat corruption, and urges the Government to take further steps to address outstanding concerns, in particular those reflected in the present resolution;

10. *Requests* the Secretary-General to continue to provide his good offices and to pursue his discussions relating to Myanmar, involving all relevant stakeholders and including the concerns addressed in herein, and in this regard to appoint a special envoy on Myanmar and to offer assistance to the Government of Myanmar;

11. *Decides* to remain seized of the matter, inter alia, on the basis of the reports of the Secretary-General, the fact-finding mission and the Special Rapporteur of the Human Rights Council and the special envoy on Myanmar.